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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214938
Party	Plaintiff Baldor Electric Company
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Date	04/21/2014
Attachments	first amended notice of opposition.pdf(96831 bytes) SUPER E reg.pdf(63289 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Baldor Electric Company,)	
)	
Opposer,)	
)	Opp. No. 91214938
)	
vs.)	Directed to U.S. Ser. No. 79/112,458
)	
KSB Aktiengesellschaft,)	Mark: REEL SuPremE
)	
Applicant.)	

FIRST AMENDED NOTICE OF OPPOSITION

Baldor Electric Company (“Baldor” or “Opposer”) believes it will be damaged by registration of the mark REEL SuPremE for the goods in International Classes 007 and 009 as shown in U.S. Ser. No. 79/112,458 filed by KSB Aktiengesellschaft (“KSB” or “Applicant”). Accordingly, Baldor opposes registration of the REEL SuPremE mark.

PARTIES AND BACKGROUND

1. Baldor is a Missouri corporation with an address of 5711 R.S. Boreham Jr. Street, Fort Smith, Arkansas 72901.
2. On information and belief, KSB is a joint stock company of Germany with an address of Johann-Klein-Strasse 9, 67227 Frankenthal, Germany.
3. On information and belief, KSB is the owner of U.S. Ser. No. 79/112,458 for the mark REEL SuPremE (“KSB’s Mark”) for *motors and engines except for land vehicles; machines, namely, pumps for machines, pumps as parts of machines, motors and engines; installations for transport, regulation and/or treatment and/or filling for liquid media, namely, electric pump motors; pumps, fittings, and parts for the aforesaid goods; units comprising pumps and motors for machines; control and regulating apparatus, namely, pump control valves,*

regulators being parts of machines, flow regulators being parts of machines, pressure regulators being parts of machines, pumps for machines, and motor controllers in the nature of hydraulic controls for motors in Class 7 and electric and electronic apparatus, components and instruments for switching, measuring, controlling, regulating, testing, checking and supervision, recording, transmitting and displaying, namely, electrical switches, operation sensors and monitors for sensing and monitoring position, temperature, pressure, leakage, speed, vibration, flow rate and/or liquid level, and associated software for controlling the aforementioned apparatus and bus systems comprising USB hardware and operating software therefor; electric cables and wires; electric drives for use with pumps and valves in the nature of electronic controllers for pumps and valves and electronic controls for motors; electronic components and modules, namely, integrated circuit modules; computer hardware; computer software for use in database management in the field of pumps in Class 9 (collectively, “KSB’s Goods”).

4. Prior to the filing date of U.S. Ser. No. 79/112,458 and any use by KSB of KSB’s Mark, Baldor began using and has continuously used in interstate commerce the mark SUPER-E in connection with *electric motors*. As a result of the extensive use, promotion and advertising of Baldor’s SUPER-E mark, the mark has become well known to the trade and to the public, and has therefore acquired significant goodwill and fame.

5. In addition to its common law rights in the SUPER-E mark, Baldor owns U.S. Reg. No. 2820046 for the mark. A print-out from the USPTO’s website of this registration is attached and incorporated by reference.

COUNT I
(Likelihood of Confusion)

6. Baldor incorporates the above allegations by reference.

7. KSB's Mark so resembles Baldor's SUPER-E mark, previously used in the United States by Baldor and not abandoned, as to be likely, when applied to KSB's Goods, to cause confusion or to cause mistake or to deceive, thus causing damage to Baldor.

COUNT II
(No Bona Fide Intent to Use Mark in Commerce)

8. Baldor incorporates the above allegations by reference.

9. On information and belief, KSB lacked a bona fide intention to use KSB's Mark in United States commerce in connection with all of KSB's Goods at the time KSB filed its request for extension of protection of its international registration to the United States.

10. On information and belief, KSB has not made use of KSB's Mark in United States commerce in connection with any of KSB's Goods. On information and belief, its websites do not reflect planned distribution in the United States of KSB's Goods under KSB's Mark. On information and belief, KSB is merely attempting to reserve a right in KSB's Mark.

11. Accordingly, U.S. Ser. No. 79/112,458 is void, in whole or in part, under Section 66 of the Lanham Act, 15 U.S.C. §1141f.

ACCORDINGLY, based upon the above grounds, Baldor respectfully requests that this opposition be sustained and that registration of KSB's Mark be refused.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via U.S. mail on April 21st, 2014 to the following:

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/s/ Hadi S. Al-Shathir



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Typed Drawing

Word Mark SUPER-E
Goods and Services IC 007. US 013 019 021 023 031 034 035. G & S: electric motors. FIRST USE: 19830325. FIRST USE IN COMMERCE: 19830325
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78249307
Filing Date May 13, 2003
Current Basis 1A
Original Filing Basis 1A
Published for Opposition December 9, 2003
Registration Number 2820046
Registration Date March 2, 2004
Owner (REGISTRANT) Baldor Electric Company CORPORATION MISSOURI P.O. Box 2400 Fort Smith ARKANSAS 72902
Attorney of Record Matthew J. Himich
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20140303.
Renewal 1ST RENEWAL 20140303
Live/Dead Indicator LIVE

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